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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 DANNY ANDREW YOUNG,
9

Petitioner,

10 vs.

2:13-cv-01739-JCM-PAL

11 ORDER

12 BRIAN WILLIAMS, *et al.*,

Respondents.

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15 This habeas matter comes before the court for consideration of possible issuance of
16 a certificate of appealability following upon the filing of a notice of appeal. The court
17 dismissed this action as duplicative of petitioner's currently pending first-filed action in No.
18 2:12-cv-00524-JCM-NJK.

19 At the outset, with deference to the authority of the court of appeals with regard to
20 matters concerning its own jurisdiction, it appears that the notice of appeal is untimely. Final
21 judgment was entered on May 27, 2014, and the certificate of service on the notice of appeal
22 is dated July 2, 2014.

23 Turning to consideration of a certificate of appealability, when the district court denies
24 relief on procedural grounds without reaching the underlying constitutional claims, the
25 petitioner must show in order to obtain a certificate of appealability that jurists of reason would
26 find it debatable whether the petition stated a valid claim of a denial of a constitutional right
27 and that jurists of reason would find it debatable whether the district court was correct in its
28 ruling. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). While both showings must be made,

1 "a court may find that it can dispose of the application in a fair and prompt manner if it
2 proceeds first to resolve the issue whose answer is more apparent from the record and
3 arguments." 529 U.S. at 485.

4 Jurists of reason would not find debatable the district court's dismissal of this clearly
5 duplicative action. The court's dismissal order outlined why the dismissal of this duplicative
6 action without prejudice would not otherwise result in collateral prejudice to petitioner. See
7 #3, at 2-3. There is no basis in either law or common sense for pursuing this needless
8 second action. A court clearly has the authority to eliminate duplicative litigation in applying
9 limited judicial resources, where prejudice will not accrue to the litigant.

10 IT THEREFORE IS ORDERED that a certificate of appealability is DENIED. The clerk
11 shall provide electronic notice of this order to the court of appeals in the customary manner.

12 DATED: July 15, 2014.

James C. Mahan
JAMES C. MAHAN
United States District Judge